

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Irene A. Rogers,

Civil No. 13-1698 (SRN/TNL)

Plaintiff,

v.

**AFFIDAVIT OF  
KEITH S. ANDERSON**

Bank of America, N.A. as successor by merger to Countrywide Home Loans, Inc., and Countrywide Home Loans Servicing, LP; Bank of New York Mellon formerly known as the Bank of New York as Trustee for the Certificateholders CWABS, Inc., Asset-backed Certificates, Series 2005-4; Bank of New York Mellon Trust Company N.A. formerly known as Bank of New York Trust Company N.A. as Co-Trustee for Certificateholders CWABS, Inc., Asset-based Certificates, 2005-4; Mortgage Electronic Registration Systems, Inc.; John and Jane Does 1-10,

Defendants.

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STATE OF ALABAMA     )  
                                  ) ss.  
COUNTY OF JEFFERSON )

Keith S. Anderson, being duly sworn, states:

1.     I am an associate with the law firm of Bradley Arant Boult Cummings LLP and represent Defendants Bank of America, N.A. as successor by merger to Countrywide Home Loans, Inc. and Countrywide Home Loans Servicing, LP ("BANA"), Bank of New York Mellon formerly known as The Bank of New York as Trustee for the Certificateholders CWABS, Inc., Asset-backed Certificates, Series 2005-4 ("BONY") ,

and Mortgage Electronic Registration Systems ("MERS") (collectively, "Defendants") in this action. This affidavit is submitted in support of Defendants' motion to dismiss.

2. Attached hereto as Exhibit A is a true and correct copy of a note, dated April 22, 2005, between Countrywide Home Loans, Inc. and John J. Rogers.

3. Attached hereto as Exhibit B is a true and correct copy of a mortgage between MERS and John J. Rogers and Irene A. Rogers, dated April 22, 2005, recorded with the Hennepin County Recorder on May 24, 2005. This mortgage is also attached to Plaintiff's Complaint as Exhibit B.

4. Attached hereto as Exhibit C is a true and correct copy of Assignment of Mortgage from MERS to Bank of New York as Trustee for Certificateholders CWABS, Inc. Asset-backed Certificates, Series 2005-4 dated June 10, 2008, recorded with the Hennepin County Recorder on June 27, 2008. This assignment of mortgage is also attached to Plaintiff's Complaint as Exhibit E.

5. Attached hereto as Exhibit D is a true and correct copy of Notice of Pendency of Proceeding and Power of Attorney to Foreclose Mortgage by Corporation, dated December 7, 2011, recorded with the Hennepin County Recorder on January 11, 2012. This notice of pendency is also attached to Plaintiff's Complaint as Exhibit H.

6. Attached hereto as Exhibit E is a true and correct copy of Sheriff's Certificate of Sale and Foreclosure Record recorded with the Hennepin County Recorder on May 22, 2013. This sheriff's certificate of sale is also attached to Plaintiff's Complaint as Exhibit I.

Affiant says nothing further.

Dated: November 14, 2013



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Keith S. Anderson

Subscribed and sworn before me  
this 14th day of November 2013.

  
Notary Public

**MY COMMISSION EXPIRES 02/16/2015**